

**County of San Bernardino  
Department of Behavioral Health**

**Advance Health Care Directives Policy**

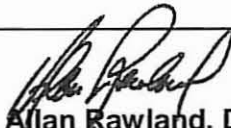
Effective Date

5/04

Revision Date

4/23/07

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Allan Rawland, Director

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**Policy**

It is the policy of the County of San Bernardino Behavioral Health that providers (employees and/or contractors) inform all adult Medi-Cal beneficiaries of their rights under the auspices of an Advance Health Care Directive as defined by Probate Code Section 4605. (PC§)

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**Purpose**

To ensure adult Medi-Cal beneficiaries served by the County of San Bernardino Behavioral Health receive information, and services commensurate with requirements specified by Title 42, CFR, Section 422.128; and California Probate Code(s) 4600 et seq.

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**Definition**

**Advance Health Care Directive or Advance Directive:** an individual health care instruction or power of attorney for health care services (PC§ 4605).

**Principal:** an adult who executes a power of attorney for health care.

**Capacity:** a person who understands the nature and consequences of the proposed health care, including the risks and benefits.

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**Designation of  
an Agent /  
Surrogate**

The Medi-Cal beneficiary is the principal who designates the agent or surrogate for an Advance Health Care Directive.

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**Who May Be an  
Agent or  
Surrogate**

The agent and/or surrogate may be any person designated by the principal to make health care decisions for the principal.

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### Who May NOT Be an Agent or Surrogate

The following persons may **not** make a health care decision for a patient as an agent or surrogate:

- The principal's supervising health care provider.
  - An employee of the health care institution where the patient is receiving care.
  - An operator or employees of a community care facility or residential facility where the patient is receiving care.
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### Exceptions

There are two exceptions to who may not be an agent or surrogate:

- An employee, other than the supervising health care provider, who is related to the patient by blood, marriage, or adoption, or is a registered domestic partner of the patient.
  - An employee who is employed by the same health care institution, community care facility or residential care facility for the elderly as the patient.
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### Revocation of an Advance Directive

A patient having capacity may revoke all or part of an Advance Directive, other than the designation of an agent, at any time and in any manner that communicates intent to revoke [PC§ 4695 (b)].

The designation of an agent may be revoked **only** by a signed writing or by personally informing the supervising health care provider [PC§ 4695 (a)].

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### Duration of an Advance Directive

An Advance Directive or Power of Attorney for health care is of unlimited duration (PC§ 4686). However, the principal may change their mind at anytime as long as they have the capacity to make decisions.

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### Non- Discrimination

Beneficiaries will not be discriminated against based on whether or not they execute an Advance Health Care Directive.

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<b>Complaints</b>	If you have a complaint concerning Advance Health Care Directive non-compliance, you may contact the California Department of Health Services, Licensing and Certification Division, by calling <b>(800) 236-9747</b> or by mail at P.O. Box 997413, Sacramento, California 95899-1413.
<b>Responsibility of Employees</b>	All employees will be required to sign the <a href="#">Advance Health Care Acknowledgement Form</a> verifying that the policy has been read and understood.

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